



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 1584-00

19 May 2000

MC

HALL

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 23 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They were unable to find that you lacked sufficient observed fitness reports to be fairly considered for promotion to lieutenant colonel, nor could they find that your previously removed failures of selection to major harmed your career progression or caused you to be treated as "'damaged goods'" by your command and peers. Finally, regarding your assertion that you were "never made aware of the potential negative effect" of having your date of rank backdated pursuant to selection by a special selection board, they noted that you should have known a backdated date of rank might accelerate your eligibility to be considered for promotion. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

1584-00

IN REPLY REFER TO:

1600  
MMOA-4  
23 Mar 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
Major [REDACTED]  
[REDACTED] USMC of 14 Mar 00

1. Recommend disapproval of Major [REDACTED] request for removal of his failures of selection and a Special Selection Board (SSB).
2. Per the reference, we reviewed Major [REDACTED] record and petition. He failed selection on the FY00 and FY01 USMC Lieutenant Colonel Selection Boards. He contends his previous failures of selection by the FY94 and FY95 USMC Major Selection Boards and subsequent selection by a SSB prevented his record from receiving a substantially complete and fair evaluation by the FY00 and FY01 Boards. Major [REDACTED] requests removal of his failures of selection and a SSB.
3. In our opinion, Major [REDACTED] record as it appeared before the FY00 and FY01 Boards was complete and accurate, and provided a fair assessment of his performance. Additionally, Major [REDACTED] provides no documents or evidence to materially change the record. Therefore, we recommend disapproval of Major [REDACTED] request for removal of his failures of selection and a SSB.
4. Point of contact is Lieutenant Colonel [REDACTED]  
[REDACTED]

[REDACTED]  
Lieutenant Colonel, U.S. Marine Corps  
Head, Officer Career Counseling and  
Evaluation Section  
Officer Assignment Branch  
Personnel Management Division